

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ENRIQUE RUIZ-CONTRERAS,

Plaintiff,

v.

Case No: 2:21-cv-60-SPC-MRM

JOSEPH ANDUJAR,

Defendant.

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OPINION AND ORDER¹

Before the Court is a Report and Recommendation of United States Magistrate Judge Mac R. McCoy. ([Doc. 7](#)). Judge McCoy recommends that Plaintiff's Complaint ([Doc. 1](#)) be dismissed without prejudice for failure to renew timely his motion to proceed *in forma pauperis* or pay the required filing fee, for failure to state a claim, for failure to comply with the Court's Orders, and for failure to prosecute. Neither party objects to the Report and Recommendation, and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or

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in part,” the magistrate judge’s R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence of specific objections, there is no requirement that a district judge review the R&R *de novo*. See [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don’t object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., [Symonette v. V.A. Leasing Corp.](#), 648 F. App’x 787, 790 (11th Cir. 2016); [Thomas v. Arn](#), 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” [Farley v. Nationwide Mut. Ins.](#), 197 F.3d 1322, 1329 (11th Cir. 1999).

After examining the file independently and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

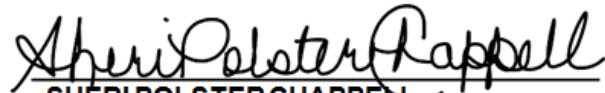
ORDERED:

The Report and Recommendation ([Doc. 7](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.

(1) The Complaint ([Doc. 1](#)) is **DISMISSED without prejudice**.

(2) The Clerk is **DIRECTED** to enter judgment accordingly, deny any pending motions as moot, terminate any deadlines, and close the case.

DONE and **ORDERED** in Fort Myers, Florida on November 15, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record